



C.M.P.Nos.15589, 15593 & 15598 of 2025
in
O.S.A.No.123 of 2018

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in

O.S.A.No.123 of 2018

C.V.KARTHIKEYAN, J.

and

HEMANT CHANDANGOUDAR, J.

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(Order of the Court was made by C.V.Karthikeyan, J.)

These three applications have been filed consequent to the death of the first respondent to set aside the abatement, to condone the delay of 2088 days in filing such application and to bring on record as legal representatives the 7th, 8th & 9th respondents.

2.Notice had been directed and learned counsel had also entered appearance. In the affidavit filed, it had been contended that the first respondent, who was the mother of the petitioners died on 06.12.2018, leaving behind her daughters as legal representatives. It was also contended that the delay is neither willful nor wanton, but owing to the production of the death certificate and legal heirship certificate within the stipulated time. It is also stated that no prejudice would be caused if the delay is condoned.

3.Heard the learned counsel for the respondent who also did not raise any specific objection.



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4.Taking into consideration of the fact that the appeal is a continuation of the trial proceedings, it would only be appropriate that the legal representatives are also heard before any orders are passed and they are also necessary and proper parties to the appeal. Accordingly, the delay stands condoned, the abatement is set aside and the legal representatives are brought on record.

5.Registry to carry out necessary amendment reflecting the death of the first respondent and bring on record the 7th, 8th & 9th respondents. It is also informed that the 6th respondent had died. Necessary application in this regard to be filed. A direction is given to the learned counsel for the respondents to inform the details of the legal representatives to the counsel for the appellants and file an appropriate application to bring on record the legal representatives.

6.List the matter on 05.03.2026.

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(C.V.K.J.,) (H.C.,J.)
27.01.2026



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